

## REMARKS / ARGUMENTS

### I. General Remarks

Please consider the application in view of the following remarks. Applicants thank the Examiner for his careful consideration of this application.

### II. Disposition of Claims

Claims 1-4, 7-11, 14-18, 21, 22, 27, and 30 are pending in this application. Claims 5, 6, 12, 13, 19, 20, 28, and 29 were cancelled in previous responses.

Claims 1 and 9 have been amended herein. These amendments are supported by the specification as filed. Also, claims 7, 8, 14, 15, and 27 have been cancelled herein.

Claims 1-4, 7, 9-11, 14, and 27 stand rejected under 35 U.S.C. § 103(a). The Office Action has objected to claims 8 and 15, and has stated that claims 16-18, 21, 22, and 30 are allowable.

### III. Rejections of Claims Under 35 U.S.C. § 103(a)

Claims 1-4, 7, 9-11, 14, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,813,466 to Harris *et al.* ("Harris"). With respect to these rejections, the Office Action states:

Harris et al. disclose the utilization of a precursor as a source of latent acid to degrade a crosslinked polymer. As in the other cases, the crosslinked polymer is employed in a fracturing composition (column 6, lines 1-3). Constituents of the crosslinked polymer are the polysaccharides and water-soluble organic polymers mentioned in column 3, lines 1-31, and the crosslinking agents listed in column 4, lines 1-56. Whereas Dawson used a synergistic combination of an inorganic oxidant and an ester to promote degradation of the polymer thereby yielding a reduction in the viscosity of the composition, Harris teaches the addition of an enzyme that facilitates slow hydrolysis of the ester into an alcohol and the acid needed to bring about polymer degradation (column 2, lines 36-47 and column 5, lines 18-27). Concomitant with carboxylic acid formation is, of course, a lowering in the pH of the crosslinked polymer-containing fluid.

Harris does not, on the other hand, mention the specific acid-releasing materials outlined in the independent claims. Nevertheless, they are simply additional examples of compounds that also undergo hydrolysis to yield carboxylic acids and, thus, to a person of ordinary skill in the art, the species of acid-degradable material recited in claim 1 would be obvious variants of those

embodiments mentioned by Harris, and particularly an obvious variant of the lactones (column 5, line 27).

As for claims 4 and 11, the pH at which decrosslinking occurs would be largely a function of the chemical identity of the decomposable material but also would [be] influenced by the chemical identities of the aforementioned polymer and crosslinker. Insofar as (a) the claimed decomposable materials, like those of the instant invention, are hydrolyzed into organic acids that actively destroy the polymer and (b) the polymers and crosslinkers contemplated in Applicant's disclosure are similar to those taught by the reference, the limitation recited in each of the above claims is inherently anticipated.

(Office Action at pages 3-4.) In this response, Applicants have cancelled claim 27 and have amended independent claims 1 and 9 to include the elements recited in former dependent claims 8 and 15, which the Office Action stated to be allowable over *Harris*. Therefore, Applicants respectfully submit that claims 1 and 9, as amended herein, are allowable over *Harris*. Since claims 2-4, 7, 10, 11, and 14 each depend, either directly or indirectly, from claim 1 or 9, these dependent claims are similarly allowable. Thus, Applicants respectfully request the withdrawal of these rejections.

#### **IV. Allowable Subject Matter**

The Office Action has objected to claims 8 and 15 as being dependent upon a rejected base claim, but stated that these claims would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. (See Office Action at page 4.) As Applicants have amended claims 1 and 9 to include the limitations of claims 8 and 15, respectively, Applicants submit that claims 1 and 9 are similarly allowable.

The Office Action also stated that claims 16-18, 21, 22, and 30 are allowable. (See Office Action at page 4.) Applicants thank the Examiner for this acknowledgement, and respectfully request a Notice of Allowance for these claims.

#### **V. No Waiver**

All of Applicants' arguments and amendments are without prejudice or disclaimer. Distinctions from the cited references may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements, such as, for example, any statements relating to what would be

obvious to a person of ordinary skill in the art. The amendments made by Applicants are sufficient to overcome the obviousness rejections.

**SUMMARY**

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that there are no fees due in association with this filing. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, the Commissioner is authorized to debit Baker Botts L.L.P. Deposit Account No. 02-0383, Order Number 063718.0143, for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,



Elizabeth L. Durham  
Registration No. 59,509  
BAKER BOTTs L.L.P.  
One Shell Plaza  
910 Louisiana  
Houston, TX 77002  
Telephone: 713.229.2104  
Facsimile: 713.229.7704  
Email: liz.durham@bakerbotts.com

Date: March 19, 2007